



11-CV-05631-OBJ

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| OCT 27 2011                              |        |
| CLERK U.S. DISTRICT COURT                |        |
| WESTERN DISTRICT OF WASHINGTON AT TACOMA |        |
| BY                                       | DEPUTY |

:maria-janet:  
 vantine road southeast-15110  
 tenino

**UNITED STATES DISTRICT COURT**  
**Belonging to Western Washington**

:maria-janet: as Next Best Friend to E.M.S  
 And P.O.A. for :paul-david:: and  
 :paul-david::

Complainant/Petitioner

VS

**CASE # C11-5631Z**  
 [CV 11-5631-JRC] [3:11-CV-05631-RJB]  
 [11-CV-05631-TLZ]

**ADMINISTRATIVE LAW JUDGE**

Russell W. Hartman/Assigns  
 Mary Karlynn Haberly/Assigns  
 Theodore Spearman/Assigns  
 Therman Lowens/Assigns  
 Sally F. Olsen/Assigns  
 David W. Peterson/Assigns  
 Erci Schmidt/Assigns  
 Benjamin H. Settle/Assigns  
 Cameron Fleury/Assigns  
 Brian Green/Assigns  
 McGavic Graves Board of Directors/Assigns  
 Ryan L. Goodwin/Assign of McGavick Graves  
 Clayton Longacre/Assigns  
 Bruce Clement/Assigns  
 Dawn Marie Shoemaker/Assigns  
 Gary Alan Harris/Assigns  
 Eric Fong/Assigns  
 Rob McKenna/Assigns  
 Edward L. Small/Assigns  
 Robert G. Lloyd/Assigns  
 Including all marital communities/Assigns  
 Un-named Interested Parties/Assigns  
 Previous, Present, Future 1-300  
 Un-named Defendants/Assigns 1-300  
 Previous, Present, Future  
 ADMINISTRATIVE DEFENDANTS/ASSIGNS

**3rd Protest-Objection-[Dis]honor**  
**Protest-Objection-[Dis]honor**  
**by Notice of Motion to Quash**  
**Defendant's Motion to Dismiss**  
 and  
**The Charging of Kidnapping after**  
**the expiration of Temporary Orders**  
**effective 17 March 2011**  
 and  
**Notice of Secured Party Creditor**  
**Status**

: paul-david :  
 : maria-janet :  
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Nature of the proceeding: Complainant's Protest-Objection-[Dis]honor by Notice of Motion to Quash Defendant's Motion(s) to Dismiss

Attached and incorporated by reference 1<sup>st</sup> and 2<sup>nd</sup> protest-Objection-[Dis]honor

1. Original Settlement order [1. attached]
2. Based on false claims in a Wrongful Emergency Restraining Petition with sham venue in 2010 [2. Attached]
3. Caused a wrongful order by the Respondents and her Attorney [3. attached]
4. Judges are not following the law
5. Attorney General is not protecting :paul-david:, :maria-janet:, and :e-m-s:
6. The lack of the military failing
7. Tax fraud by all Defendants not acknowledging Secured Party Creditor.

## **NATURE OF THE ACTION**

1. *...However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record.*

*"The judgment of a court of record, whose jurisdiction is final, is as conclusive on the entire world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."*

***Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]***

"Your Honor", On and for the record, We the trinity of heart, mind soul, here as tribunal of this Court of Record, accept your promissory oath (of office) and the oaths of all of the officers of this court. The court is now open.

"I am an immortal living soul, created in the image of god, here as one of the people, given an indefeasible title to my property and land, and lawful Secured Party Creditor-owner of the all capital letter name PAUL SHOEMAKER, MARIA SHOEMAKER,. We demand the Defendants take an oath to their accusations-defenses and bring forth two witnesses with first-hand testimony or there is no charge and this remedy is to be immediately granted."

Nature of the proceeding: Complainant's Protest-Objection-[Dis]honor by Notice of Motion to Quash Defendant's Motion to Dismiss

Complainants are requesting a judicial review of the records and investigation of the false claims and false venue made against Complainants .

: paul-david:  
: maria-janet:

Complainants are requesting **a judicial review** of paul-david's service record and his family rights when at war.

Complainants further request **review of sanctions** for denial of rights and privileges after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and for the aiding and abetting of the kidnapping by Dawn Marie Shoemaker/assigns et al.

Complainants believe that other Causes under **1983 violations** have occurred for good cause.

Respectively submitted for a fair resolve to the disenfranchising of the Original Settlement.

Defendants continue to scream 12(b)(1) and (6) as a basis for their continued aiding and abetting of Kidnapping of :e-m:s. Choosing to abide by **expired orders**.

Repeatedly the Defendants and each of them have failed to address the charges of their failures, failing to admit or deny Complainant's charges against each and every one of the Defendants,[within the prescribed time limits], claiming they are not identified, goading complainants into argument and not answering Complainants' **claims for a judicial review** (above-noted).

Complainants and Secured Party Creditor **refuse to argue**.

**All Defendants-debtors** and each of them are all liable to Secured Party Creditor.

Defendant McKenna entered a Notice of Appearance 60 days late. Rob McKenna by and through Christine Gregoire, Governor, receives federal funding, and has violated the Federal Funding Rule, not protecting :paul-david:, :maria-janet: or :e-m:s as his job description and purpose of office declares.

1. This court has a duty to address Complainants' questions to determine if actions of officials denied :paul-david: and :ethan-michael: 's rights and privileges (50 USC app § 521; HB 401, House Committee Amendments (2/26/2009 § 3; **Public Law 110-181 110th Congress ;111th Congress; 112th Congress; Divisible Divorce Doctrine; UCCJEA** )

I.

: paul-david:  
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: maria-janet:  
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1. This public court of record, and all judicial officers, [Defendants] has a duty to ensure the lower court's application of the law-Congressional Acts herein?
2. This public court of record, and all judicial officers, [Defendants] has a duty to address the expiration of temporary order(s) effective 17 March 2011
3. This public court of record, and all judicial officers, [Defendants] has a duty to address the fair resolve to the disenfranchising of the Original Settlement [6/12/2006].
4. This public court of record, and all judicial officers, [Defendants] has a duty to address judicial review of the records and investigation.

**NATURE OF THE ACTION: 2<sup>ND</sup> Protest-Objection-[Dis]honor by Notice of Motion to Quash Defendant's Motion to [Dis]miss**

:paul-david:,:maria-janet: and :ethan-michael: hereby submit(s) this Protest-Objection-[Dis]honor and Requests for Evidentiary Hearing and Order to Show Cause Concerning Defendants' [Washington-Utah] Filing of False Documents into a Public Office influencing the Public Officers.

1. This is an action, Protest-Objection-[Dis]honor by Notice of Motion which is brought pursuant to applicable law.
2. :paul-david:,:maria-janet: and :ethan-michael: have a clear legal right to seek judicial review of the records and investigation for relief as :paul-david: and :maria-janet: as the CEO of the subject matter herein, and Washington-Utah Defendant(s)'s seeking, with sham venue without satisfying the necessary legal standing requirements to maintain the wrongful custody modification over :ethan-michael:. (50 USC app § 521; HB 401, House Committee Amendments (2/26/2009 § 3); **Public Law 110-181 110th Congress ;111th Congress; 112th Congress; Divisible Divorce Doctrine; UCCJEA)**

**I. APPLICATION FOR JUDICIAL REVIEW OF**

: paul-david:  
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: maria-janet:  
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**THE RECORDS AND INVESTIGATION**

:paul-david:, :maria-janet: and :ethan-michael: reaffirms and realleges the preceding paragraphs as if fully set forth hereinbelow.

1. :paul-david:, :maria-janet: and :ethan-michael: have no adequate remedy at law because the damages that Defendants [Washington-Utah] have caused, and will continue to cause in the absence of a judicial review of the records and investigation order, are *nonrecoverable*.
2. :paul-david:, :maria-janet: and :ethan-michael: have no adequate remedy at law to redress the harm complained of, unlawful custody modification, expiration of temporary order [10/20/2010; 10/29/2011; 2/11/2011; 2/29/2011] on 17 March 2011; and aiding and abetting by Defendants, under the circumstances of record, is contrary to equity, good conscience and that such custody modification was instituted by parties with sham venue, who have no legal standing to maintain the custody modification in Washington after the **expiration of the temporary orders** effective 3/17/2011. (50 USC app § 521; HB 401, House Committee Amendments (2/26/2009 § 3; **Public Law 110-181 110th Congress ;111th Congress; 112th Congress**)
3. :paul-david:, :maria-janet: and :ethan-michael: requests the Court issue the Order to Quash Defendant's Motion(s) to [Dis]miss, immediately restraining Defendants from maintaining this wrongful custody modification in Washington after the **expiration of the temporary orders** effective 3/17/2011 and correcting the venue to utah.
4. It is probable that :paul-david:, :maria-janet: and :ethan-michael: will prevail over Defendants after trial on the merits herein because Defendants' fraudulent conduct is clearly evidenced by the facts and circumstances alleged [opening brief to follow] herein: specifically, Defendants' failure denied :paul-david:.

: paul-david:  
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: maria-janet:  
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and :ethan-michael:’s rights and privileges

5. :paul-david:, :maria-janet: and :ethan-michael: request(s) this Court to set their Application for a hearing and after the hearing, issue a temporary restraining order pursuant to the Agreed Order [06/12/2006] against Defendants who denied :paul-david: and :ethan-michael:’s rights and priveleges after the **expiration of the temporary orders** effective 3/17/2011.

**Notice of Ecclesiastical Dishonor and Protest  
(Baa’l) court oratori Ceremony  
To remove the Ecclesiastical power [magic]**

6. Petitioner(s), :paul-david:, Sole Beneficiary AND living Chief of State [Sealor] for the **Cure and Maintenance of the health herein** of the beneficial interest in the Legal and Equitable Estate(s) of the Decedent(s) Sole-Shareholder-Donor-Grantor-Executor-Beneficiary-Administrator of the Legal person PAUL DAVID SHOEMAKER, ETHAN MICHAEL SHOEMAKER, to cure the PAUL DAVID SHOEMAKER AND DAWN MARIE SHOEMAKER contractual marital estate before this Special Court of Equity, by Special Appearance under Special Deposit, and protests the negatively impacted act(s) [including but not limited to: orders dated 10/20/2010, 10/29/2010; 2/11/2011; 2/29/2011] and return the corpus :ethan-michael: per the Defense Authorization Act(s) [**temporary orders entered during deployment only valid through the return of :paul-david: nunc pro tunc of, as, and for March 17, 2011**]. The evidence herein and attached clearly shows the coming to equity **with unclean hands** through barbar barbar barbar [legaleze] committed by Dawn Marie Shoemaker/assigns et al, warranting criminal investigation into the **MILITARY REGULATIONS FOR CONSIDERATIOIN** (Supra). Petitioner, :paul-david:, claims full restoration of his beneficial interest in the Legal and Equitable Estate(s) of the Decedent(s) Beneficiaries legal person PAUL DAVID SHOEMAKER and ETHAN MICHAEL SHOEMAKER, and physical possession of the corpus :ethan-michael: nunc pro tunc of, as, and for 17 March 2011, of the PAUL DAVID SHOEMAKER AND DAWN MARIE SHOEMAKER contractual marital estate as a Writ of Prohibition for equitable relief. This includes, but is not limited to the immediate restoration of full custody of :ethan-michael: to :paul-david: and by requiring the

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physical presence of Dawn Marie Shoemaker before this court with the return of all stolen property to :paul-david: until this special Court of Equity can establish the proper division of property pursuant to the "Divisible Divorce" Doctrine and the primary principles and Jurisprudence of Equity and Chancery, and to finalize the in rem [only] of the PAUL DAVID SHOEMAKER AND DAWN MARIE SHOEMAKER contractual marital estate upon the curing and maintenance of the inconsistent modification of custody procedures/process pursuant to the legislative intent of the DEFENSE AUTHORIZATION ACT(S), DIVISIBLE DIVORCE DOCTRINE, UCCJEA and the SCRA.

**MEMORANDUM OF LAW IN SUPPORT OF PROTEST-OBJECTION-  
[DIS]HONOR BY NOTICE OF MOTION TO QUASH DEFENDANT'S  
MOTION TO [DIS]MISS  
Washington sham Venue**

**II. Public Law 110-181**

National Defense Authorization Act for Fiscal Year 2008.

**110th Congress** Jan. 28, 2008 [H.R. 4986]

**An Act**

To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY STATEMENT.**

(a) **SHORT TITLE.**—This Act may be cited as the "National

**Defense Authorization Act for Fiscal Year 2008".**

(b) **EXPLANATORY STATEMENT**—The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 1585 of the 110th Congress (Report 110-477) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 1585, if such bill had been enacted.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other

: paul-david:  
: maria-janet:

Authorizations.

**To Wit:**

**SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.—Section 201(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(a)) is amended by inserting “, including any child custody proceeding,” after “proceeding”.

(b) STAY OF PROCEEDINGS WHEN SERVICEMEMBER HAS NOTICE.—Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting “, including any child custody proceeding,” after “civil action or proceeding” (Emphasis added)

**Defense Authorization Act for Fiscal Year “2011”.**

**SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember,....

“(b) COMPLETION OF DEPLOYMENT.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is re-instated.....

“(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

“(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard. (Emphasis added)

**“divisible divorce” doctrine:**

Divorce proceedings typically contain two principle components: (1) the dissolution of the **marital status**, and (2) the adjudication of the **incidences** of the marriage. The “divisible divorce” doctrine recognizes that each of these components have “distinct and separate jurisdictional foundations.” Hall v. Hall, 585 S.W.2d 384, 385 (Ky. 1979).

It has been determined that the dissolution of the marriage is an **in rem** proceeding and that, if process has been

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: maria - janet :  
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properly effectuated, a court has jurisdiction to change the marital status of the parties even when only **one party to the marriage is a resident** of the state in which the court is located. [challenged in the Utah Court [sham venue of Washington]] Indeed, this Court has recognized that a court need "not have personal jurisdiction over both spouses to validly terminate the marital status" if procedural due process has been met, and that "as long as the plaintiff satisfies the six-month residency requirement under [NDCC] §14-05-17," a court has jurisdiction to change the parties' marital status "no matter where" the defendant spouse resides. Byzewski v. Byzewski, 429 N.W.2d 394, 397 (N.D. 1988). . . .

But meeting the jurisdictional requirements to sever the marital status itself "does not necessarily grant the court the authority to adjudicate the related **incident[ces] of the marriage.**" Id. at 397. "Before adjudicating the incidences of the parties' marriage," a trial court "is required to obtain **in personam** jurisdiction **over both** [of the spouses]." Simpson v. O'Donnell, 98 Nev. [516,] 518, 654 P.2d [1020,] 1021 [1982]. Thus, a court must have personal jurisdiction over a **nonresident spouse** in order to validly adjudicate matters of alimony or **spousal support; the distribution or division of property; rights to child custody; and the award of child support.**

#### TITLE 28 > PART IV > CHAPTER 85 > § 1361

##### **§ 1361. Action to compel an officer of the United States to perform his duty**

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

**Title 28, UNITED STATES JUDICIARY & JUDICIAL PROCEDURES MANUAL** sets the law and procedures of the court especially section 1652, **Acts of Congress, the Constitution, Treaties of the United States; also Public Laws, Military Manual, Titles 5 and 10 of the UNITED STATES CODES, CODE FEDERAL REGULATION** all, are **Acts of Congress.**

#### **FEDERAL QUESTION AND ISSUE**

As an act of Congress has given jurisdiction to the Superior Court of the District of Columbia to hear cases on the foundation of congressional statute to be the law of the District of Columbia likewise this set the standard for all Federal Courts and State Courts to follow any act of Congress. The question is which **Act of Congress and which acts are the Courts to follow?** As the courts appear to be acting outside of any scope to which Congress has granted them .

1. Congress wrote the Judiciary Act of 1789 which gave power to inferior Courts and the Attorney General offices. The support of Article III section 2 clause 1 gives judicial power in all cases and types of issues.
- 2 Then Congress submitted the Congressional Act that created the Eleventh Amendment and had it ratified by the State to the U.S. Constitution which **removed** all judicial power from the Courts, Federal & State and the Federal and State Attorney General offices.
3. Congress enacted The Administrative Procedures Act of 1946, Title 5 USC, and the Attorney General's Manual on the APA, 1947, which has but one sole purpose and that is for 'people' to exercise their First Amendment right to "petition for redress of grievances." When the Defendants [Washington; Utah] who knowingly violate their own job requirements and procedures, that create a Civil Rights violation under "color of Law" on the Complainants and the People.
4. Administrative offices are required to follow the Fifth and Fourteenth Amendments which

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guarantee that the federal government and the state governments, respectively, will not deprive a person of his or her life, liberty, or property without Due Process of Law. An administrative agency thus may not deprive anyone of life, liberty, or property without a reasonable opportunity, appropriate under the circumstances, to challenge the agency's action. People must be given fair warning of the limits that an agency will place on their actions. When reviewing administrative agency actions, courts must ask whether the agency afforded those under its jurisdiction due process of law as guaranteed by the U.S. Constitution. The Defendants **did not do so**, which is the reason for an administrative hearing. Record lacks facts-evidence of application of Congressional Acts prior to ruling, and there is no evidence to the contrary.

5. Congress has also passed the 1933 Banking Act placing this Nation under a State of Emergency and the fact that Federal Reserve Notes, and/ or the U.S. public debt, are both full faith and credit obligations of the United States and NOT the People's ! The Federal and State Courts system are required to discharge any issue of debt.

**6. Congress created the UCMJ under Title 10 USC and the Servicemembers Civil Relief Act [Soldier and Sailor Relief Act]; Defense Authorization Acts, "Divisible Divorce" Doctrine to just name a few to protect service members in foreign countries. [See above]**

7. Congress created the **Rules Enabling Act** (ch. 651, Pub.L. 73-415, 48 Stat. 1064, enacted June 19, 1934, 28 U.S.C. § 2072) is an Act of Congress that gave to the judicial branch the power to promulgate the Federal Rules of Civil Procedure. Read Title 28 USC and Read Section 1652. Now we are back at square one . The defendant has to follow an Act of Congress not to mention the jurisdiction they operate in as Constitutional, Maritime, Admiralty, Administrative, Law, Equity, Bankruptcy, Probate, Military or the State of Emergency. The Constitution is a restriction and the Bill of Rights are also a restriction on the defendants under all Acts of Congress and the laws of the land have to be complied with because the Complainants s cannot be denied their DUE PROCESS. The defendants cannot violate the Complainants 's protected rights under any of the Acts of Congress. [National Defense Authorization Act for Fiscal Year 2008; 2010; 2011.]

7. All 12(b)(1-6) argument(s) is an invalid response as these are public offices as defined in the Revised Code of Washington Rules. Further, the Defendants, are in Default for failure to comply with CIVIL RULES OF PROCEDURE and LOCAL COURT RULES as the lower court did Not support its order(s) with a proper and procedural response [findings of fact and conclusions of law] necessitating this Review. In addition Defendants/Assigns et al have aided and abetted each other in kidnapping E.M.S. after the expiration of the temporary orders effective 3/17/2011 pursuant to the congressional acts applicable herein.

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**APPLICATION FOR CHANGE OF SHAM VENUE  
ON A MATTER OF LAW**

1. :paul-david; :maria-janet; and :ethan-michael: reaffirm(s) and reallege(s) the preceding paragraphs as if more fully set forth hereinbelow.
2. :paul-david; :maria-janet; and :ethan-michael: request(s) this Court to set the Application for a hearing and after the hearing, change venue, according to the law. (50 USC app § 521; HB 401, House Committee Amendments (2/26/2009 § 3); **Public Law 110-181 110th Congress; 111th Congress; 112th Congress, Divisible Divorce Doctrine, UCCJEA**)
3. Given Defendants' false misrepresentations regarding their claim for wrongful custody modification in Washington, lack of jurisdiction, :paul-david; :maria-janet; and :ethan-michael: is under reasonable apprehension that Defendants [interested parties] will unlawfully continue to maintain their wrongful custody modification of interest in this matter even after the expiration of the temporary orders effective 17 March 2011, before any proper venue and jurisdiction issue can be determined in this case. That is why Complainants have petitioned for the Habeas Corpus of E.M.S. Thus, :paul-david: and :ethan-michael: will suffer and continue to suffer irreparable injury if this appeal is dismissed.

It is likely :paul-david; :maria-janet; and :ethan-michael: will succeed in any trial of the record on the merits on a matter of law herein. (50 USC app § 521; HB 401, House Committee Amendments (2/26/2009 § 3); **Public Law 110-181 110th Congress; 111th Congress; 112th Congress; "Divisible Divorce" Doctrine; UCCJEA**)

8. If the requested opportunity for a review hearing on a matter of law is not granted, :paul-david; :maria-janet; and :ethan-michael: will have no adequate remedy at law or the Right to Due Process of Law (Washington sham venue-jurisdiction)

**II. KIDNAPPING AS, OF AND FOR 17 March 2011 to the**

: paul-david:  
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: maria-janet:  
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present

9. Dawn Marie Shoemaker with the **aiding and abetting** of the Washington-Utah Defendants has kidnapped and held hostage E.M.S. after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present. Complainants submit this Protest-Objection-[Dis]honor by Notice of Motion to Quash Defendant's Motion to [Dis]miss and request that E.M.S. be immediately returned to :paul-david: and Dawn Marie Shoemaker/Assigns et al both Washington and Utah, be charged with Kidnapping for the period of 3/17/2011 to the present with additional charges of aiding and abetting kidnapping.

III. APPLICATION FOR PERMANENT INJUNCTION

10. :paul-david:; :maria-janet: and :ethan-michael: reaffirm(s) and reallege(s) the preceding paragraphs as if more fully set forth hereinbelow. :paul-david:; :maria-janet: and :ethan-michael: request(s) the public Court for a **full trial** of the record **on the merits** on a matter of law and after trial issue a permanent injunction against Defendants/assigns et al. (UCCJEA [Unfit custodial parent; Failure to state a claim upon which relief can be granted, and aiding and abetting Kidnapping (Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; "Divisible Divorce" Doctrine; UCCJEA)

11. Any 12(b)(6) argument is an invalid response as these are public offices as defined in the Utah Civil Rules. Further, the Defendants, [court-Glen R. Dawson] is in Default for failure to comply with CIVIL RULES OF PROCEDURE and LOCAL COURT RULES as the lower court did Not

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support its dismissal with a proper and procedural response [findings of fact and conclusions of law] necessitating this protest-Objection-[Dis]honor.

**IV. ALL ELEMENTS HAVE BEEN MET**

12. :paul-david:; :maria-janet: and :ethan-michael: reaffirm(s) and reallege(s) the preceding paragraphs as if more fully set forth hereinbelow.
13. All four elements required for Relief have been met by Defendants' numerous criminal and/or fraudulent acts.

**First Element (likelihood of success on the merits of :paul-david:; :maria-janet: and :ethan-michael:’ claims):** It is well settled that :paul-david:; :maria-janet: and :ethan-michael: must establish a reasonable probability of success on the merits, and not a certainty of success. *Oburn v. Shapp*, 521 F. 2d 142 (3rd Cir. 1975), In the instant case, :paul-david:; :maria-janet: and :ethan-michael: ’ legally protected property rights are clear and unambiguous. (**Public Law 110-181 110th Congress ;111<sup>th</sup> Congress; 112<sup>th</sup> Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA**)

14. It is also clearly evident that Defendants' conduct set forth in :paul-david:; :maria-janet: and :ethan-michael:’s protest-Objection-[Dis]honor herein, aiding and abetting kidnapping, and the Sham by Washington Defendants/Assigns [Interested Parties] and Utah Defendants is wrongful issue and violates the legally protected property rights after the expiration **of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present.** Accordingly, :paul-david:; :maria-janet: and :ethan-michael:’s Protest-Objection-[Dis]honor with the matter of law on the Sham venue, after the expiration **of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present.** clearly establishes a reasonable likelihood of success on the merits on a matter of law of the claims herein.

: paul-david :  
: maria-janet :

**Second Element (the denial of relief) will result in irreparable harm to :paul-david:, :maria-janet: and :ethan-michael:)** It has been held that "in order to demonstrate irreparable harm, [:paul-david:, :maria-janet: and :ethan-michael:] must demonstrate potential harm which cannot be addressed by a legal or equitable remedy following a trial." *Instant Air Freight Co. v. CF. Airfreight, Inc.*, 882 F.2d 797 (3rd Cir. 1989). It is well settled that a deprivation of a person's legally protected property right on a matter of law will result in irreparable harm after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present. In the instant case, Defendants'/Interested Parties' wrongful Sham conduct on a matter of law has severely invaded :paul-david:, and :ethan-michael: 's legally protected property rights. ( **Public Law 110-181 110th Congress; 111<sup>th</sup> Congress; 112<sup>th</sup> Congress; PKPA; "Divisible Divorce" Doctrine; UCCJEA**)

15. Moreover, the harm resulting from Defendants' Sham wrongful conduct is continuing, making any assessment of monetary damages even more uncertain and difficult. Accordingly, :paul-david:, :maria-janet: and :ethan-michael: ' Petition for Appeal (and Opening Brief to follow) herein clearly establishes that a denial of relief on a matter of law will result in immediate and continuing irreparable harm to them.
16. **Third Element (that the granting of injunctive relief will not result in even greater harm to the non-moving party):** This is also clearly established in :paul-david:, :maria-janet: and :ethan-michael: 's protest-Objection-[Dis]honor, and aiding and abetting kidnapping, herein, .) No harm will result to Defendants should relief be granted as Defendants, jointly and separately, who have wrongfully maintained this wrongful custody modification after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present with sham venue based on their Sham fraudulent claims in violation of the law against :paul-david:, and :ethan-michael:. :paul-david:, :maria-janet: and :ethan-michael: on a matter of law have clearly satisfied this element.

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**17. Fourth Element (the grant of relief is in the public interest):** This, too, is clearly established in :paul-david:, :maria-janet: and :ethan-michael:’s protest-Objection-[Dis]honor, and aiding and abetting kidnapping, herein. Defendants, jointly and separately, have committed Sham felonious acts, after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present. including without limitation, those to be considered as “acts of terrorism” and “acts of war against the United States” against Public Policy on a matter of law. In fact, the very documents-claims Defendants have filed into the public record are *prima facie* evidence of Defendants’ crimes.

Defendants have used their principle-agent corporations as “a terrorist cell” just as certain radical religious groups as “a terrorist cell” to cause this country, State and the people [:paul-david:, :maria-janet: and :ethan-michael:] great harm. In fact, Defendants’ Sham acts of terrorism against Public Policy cause a greater harm to the people of this country in the future like all other terrorist groups in American history. ( **Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA**)

**18.** Pursuant to Public Law Pub.L. 107-56, “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” Act of 2001 (The USA Patriot Act), :paul-david:, :maria-janet: and :ethan-michael: and this Court are required by Federal Law to act in unison against [Washington-Utah] Defendants/Interested Parties/ assigns in all possible manner to stop Defendants from committing further Sham acts of terrorism against the people similarly situated, of this great country.

**19.** It is in the public interest to stop criminals from committing crimes, especially heinous crimes such as terrorism and acts of war against Public Policy.

**20.** It is now incumbent on this Honorable Court and all officers of this Court to sequester Defendants’ attorneys until such a time as this Court can determine Defendants’ attorneys have been completely forthright and open with this Court about Defendants’

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future terroristic objectives. [Positive Canons 7.10]

**21. Pursuant to The USA Patriot Act, :paul-david:, :maria-janet: and :ethan-michael: refuse(s) to participate in Defendants'/Interested Parties fraudulent and/or criminal and/or terrorist activities against Public Policy.**

#### **V. SUMMARY**

21. :paul-david:, :maria-janet: and :ethan-michael: reaffirm(s) and reallege(s) the preceding paragraphs as if set forth more fully hereinbelow.

22. Defendants have committed numerous Sham criminal and/or Sham fraudulent acts against public policy, against the State of Utah, the Body Politic, this Court and :paul-david:, :maria-janet: and :ethan-michael: and all others similarly situated, in an attempt to steal :paul-david:’s, property [:ethan-michael:] from him in violation of including but not limited to: .

**(Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA) .**

24. [Washington-Utah] Defendants are in *dishonor* and in *default* of the original agreement [6/12/2006] and aiding and abetting Kidnapping, after the expiration of the temporary orders [10/20/2010; 10/29/2010; 2/11/2011; 2/29/2011] effective 3/17/2011 and continuing to the present.

25. Defendants, jointly and separately, are a criminal conspiracy and a “Terrorist Cell” as defined in American *juris prudence*, and have greatly harmed the United States, the State of utah, :paul-david:, :maria-janet: and :ethan-michael: and all others similarly situated including the people of the United States by their filing of false documents into a Public Office.

#### **VI. CONCLUSION**

29. :paul-david:, :maria-janet: and :ethan-michael: reaffirm(s) and reallege(s) the preceding paragraphs as if set more fully set forth hereinbelow.

30. If this Court does not grant :paul-david:, :maria-janet: and :ethan-michael:’s request, this Court would be allowing Defendants/Interested Parties and all others similarly situated to operate a “terrorist cell” with impunity within the borders of the United States and

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condescending to the filing of false documents into a Public Office.

**WHEREFORE, :paul-david; :maria-janet; and :ethan-michael; respectfully request(s) that the Court allow :paul-david; :maria-janet; to have access to the court on a matter of law, in a fair and unbiased manner, not being learned in the law, for change of venue to investigate and repair the public record, intent of domicile, and the Congressional Acts pertaining to the military and child custody, and the protection of Rights and Privileges [Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA]; with conformance to Public Policy. It is requested, Defendants be cited to answer and appear in this case. And this Court grants the following Relief:**

- A. Issue a Temporary Restraining Order immediately that will remain active until final adjudication of this matter, **restraining Defendants from:**
  - (1) Not Protecting :paul-david:’s, and :ethan-michael:’s Rights and Privileges;  
(a) Maintaining a wrongful custody modification in a sham venue in this instance [Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA];
  - (2) Grant a change of venue (after notice to Defendants) and an evidentiary hearing restraining Defendants or anyone working in concert with, under the direction of, or on behalf of the Defendants, [Washington-Utah] jointly and/or separately, from:  
(a) Not protecting :paul-david:’s, and :ethan-michael:’s Rights and Privileges;  
(b) maintaining the Sham wrongful custody modification with sham venue on a matter of law in this matter. [Public Law 110-181 110th Congress ;111th Congress; 112th Congress; PKPA; “Divisible Divorce” Doctrine; UCCJEA];

Accepted for Value, **upon proof of claim** [FRCP 12(b)1; 12(b)5; 12(b)6, for relief can be granted against the collateral, i.e., my name as grandmother, my son’s name as father, and his son’s as grandson, accusing my son among other things, of income from military service abroad on the record far in excess of true income, and the “mother’s” income far less than true income; and against our names, no longer ledgered or lienhold presumed on state books, with superior priority maritime claims of record among places including the Department of Treasury, uSA, Washington State Secretary of State UCC office under my UCC-1 Finance Statement 2001 123 0133, and

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related documentation and perfections, and this court; the impossibility of establishing of which, mandates counterclaims fully agreed to, confessed and estopped with no legal defenses what-so-ever; primarily and **immediately, remanding custody to the creditors, the Holders-in-Due-Course.**  
[All courts are bankruptcy courts, where one rule prevails. The Creditor always wins and the debtor always loses. The only question remaining is "Who is debtor, and who is Creditor". The fiction, or offerer, the collector, or entity offering false claims, and or who defaults, (with co-conspirators) **is always the debtor.**]

**We, As Sole Shareholder-Beneficiary-Executor-Administrator, of the legal Person(s) :paul-david:/ SHOEMAKER, PAUL DAVID and :maria-janet:/SHOEMAKER, MARIA JANET and all derivatives Reserve The Right For Correcting The Additions And Deletions Herein And Throughout With The Right Of The Taking Leave Of Any Court At Any Time With My Choice Of Court and my choice of law Whichever, wherever, whoever, Here Unto Eternity**

(3) For such other and further relief as may be just and proper.

Submitted under penalty of perjury, by first-hand knowledge, true, correct, complete and not misleading under our beliefs and convictions without any intent to delay or obstruct lawful remedy.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of October, 2011.

: Paul - david :

:paul-david: ,

: maria - janet :

:maria-janet: ;

Plaintiff (Signed reserving my/our rights under U.C.C. §1-308)

: jo - ann :  
Signatory Witness  
:jo-ann:

: ingerid - bereth - elise :  
Signatory Witness  
:ingerid-bereth-elise:

: Yoshiko - santo :  
Signatory Witness  
:yoshiko-santo:

## NOTICE

## Exhibit "1"

**As Sole Shareholder-Beneficiary-Executor-Administrator, of the legal Person(s) :paul-david:/ SHOEMAKER, PAUL DAVID and :maria-janet:/SHOEMAKER, MARIA JANET and all derivatives (hereinafter Beneficiary) with both the legal title and equitable title of the legal Person(s) Beneficiary and all derivatives by Special Deposit by Special Appearance**

: Paul - david :  
: maria - janet :

under Registration Number(s) 201106280302; 201107190836, **we appoint** :paul-david:: and :maria-janet: as the administrator-director of the legal Person(s) Beneficiary and all derivatives under the authority of the Universe- God-given Rights **to set the policy(s)** for the legal Person(s) Beneficiary and all derivatives and hereby **give NOTICE** that we, **As Sole** Beneficiary-Executor-Administrator under the Universe-God-given Rights have never consented, in writing with full disclosure, in full unlimited commercial liability in front of any Public-Servant-Public-Trustee-Government-Agent-Employee, that upon proof of claim/facts/evidence that: **1)** We cannot set the policy regarding the legal Person(s) (Beneficiary)and all derivatives **2)** We cannot appoint the Administrator of the legal Person(s) (Beneficiary)and all derivatives **3)** We Cannot apply internal company/corporation policy(s) to only you, the Public-Servant-Public-Trustee-Government-Agent-Employee(s)-Attorney-Sheriff-lae-enforcement-Peace-Officer, for the benefit of the legal Person(s) Beneficiary and all derivatives thereof.

**As Sole** Beneficiary0Shareholder-Executor-Administrator of the legal Person(s) Beneficiary and all derivatives, hereby vacate the negative impacting act(s) whatever, whoever, wherever, whenever and correcting such act(s) with full restitution and remedy as pertaining to the legal Person(s) Beneficiary and all derivatives for the violation(s) of the God/Universe-given Rights of the legal Person(s) (Beneficiary)and all derivatives

**As Sole** Beneficiary-Shareholder-Executor-Administrator of the legal Person(s) (Beneficiary) and all derivatives, We **As Sole** Beneficiary0Shareholder-Executor-Administrator **rebut** the presumption under proof of claim by facts and evidence that we are not the **Sole** Beneficiary-Shareholder-/Executor-Administrator of the legal Person(s) Beneficiary and all derivatives

**As Sole** Beneficiary-Shareholder-Executor-Administrator of the legal Person(s) Beneficiary and all derivatives **rebut** the presumption that you Public-Servants-Government-Agent-Employee(s)-Judge-Attorney-Sheriff-law-Enforcement-Peace-Officer are not public trustees receiving Government compensation and are not operating under public servant codes [private statutes].

**As Sole** Beneficiary-Shareholder-Executor-Administrator of the legal Person(s) Beneficiary and all derivatives, We **rebut** the presumption under proof of claim by facts and evidence that we can be touched in any manner/act or instructed in any manner/act in violation of our God- Universe-given-Rights without our express written consent with full disclosure.

**As Sole** Beneficiary-Shareholder-Executor-Administrator [CEO] of the legal Person(s) Beneficiary and all derivatives, We **rebut** the presumption under proof of claim by facts and evidence of the Cannons of Positive Law 7.10, Cannon numbers 3224 through 3228 including any and all Cestui Que Vie Trust(s)[attached Exhibit "3"] are not being used against **Sole** Beneficiary-Shareholder-Executor-Administrator [CEO] of the legal Person(s) Beneficiary and all derivatives herein.

**As Sole** Beneficiary-Shareholder-Executor-Administrator of the legal Person(s) Beneficiary and all derivatives, hereby set the policy of the legal Person(s) :paul-david:/ SHOEMAKER,

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PAUL DAVID and :maria-janet:/SHOEMAKER, MARIA JANET and all derivatives, for each and every failure and policy violation(s), within 24 hours, each and every Public Servants/Government Agent/ Employee(s)/Judge/Attorney/Sheriff/law Enforcement-Peace Officer equally liable upon each and every failure at the rate of 10,000 gold pieces per hour, Gold = 1 oz (.99995 fine) exchanged as ledgered as if the 91<sup>st</sup> day had expired Nunc Pro Tunc from the date of the first complaint CV 11-5631-JR with all amounts being an account(s) receivable upon all Public-Servants-Government-Agent-Employee(s)-Judge-Attorney-Sheriff-law-Enforcement-Peace-Officer 's real and non movable property, malpractice bonds, insurance bonds, self insurance program(s) and all assets whatever, whoever, wherever and whenever and is due and owing upon presentation of this NOTICE to all holder(s) of all assets whatever, wherever, whoever and whenever here unto eternity within 24 hours.

**As Sole** Beneficiary-Shareholder-Executor-Administrator of the legal Person(s) Beneficiary and all derivatives, hereby set the policy of the legal Person(s) :paul-david:/ SHOEMAKER, PAUL DAVID and :maria-janet:/SHOEMAKER, MARIA JANET and all derivatives, we direct that Cameron Fleury/Assigns remove themselves from this Court of Equity and Chancery proceedings under the primary principles and Jurisprudence of Equity and Chancery. **[28§1494; 28§1631]**

**Cannons of Positive Law      Exhibit “2”**

Article 299-Roman Court

Canon 3224

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**A Roman Court** is a Forum for the exclusive private business of a Law (Bar) Guild sanctioned by the Roman Cult, also known as the Vatican, in which members of the guild presume certain roles on behalf of the "government" in order to make profit for the guild and its members through direct asset seizure and the commercialization of various securities, bonds and bailments.

**Canon 3225**

The meaning and source of the word "court" in respect of Roman Court is derived from the Latin word cautio meaning "securities, bond and bailment" as the primary commercial business of ancient Roman Cult sanctioned law guilds since the 13th Century.

**Canon 3226**

Prior to the creation of the Bar Associations in the 19th Century, the private Bar Guilds were known as "guilds" as well as "livery" companies and often by the name as Judges and Notaries since the 13th Century coinciding with the invention of Indulgences of the Roman Cult.

**Canon 3227**

In order to make "guild" money, called "Guilt" or "Guilty", the Private Bar Guilds normally oversee a unique hidden trust for each controversy or "suit" that comes into the private Roman Court. Any bonds that are generated, called "Guilt bonds" are connected to the hidden trust, which the private Bar Guild members are sworn to deny exists.

**Canon 3228**

A Roman Court does not operate according to any true rule of law, but by presumptions of the law. Therefore, if presumptions presented by the private Bar Guild are not rebutted they become fact and are therefore said to stand true. There are twelve (12) key presumptions asserted by the private Bar Guilds which if unchallenged stand true being Public Record, Public Service, Public Oath, Immunity, Summons, Custody, Court of Guardians, Court of Trustees, Government as Executor/Beneficiary,

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*: maria - janet :*

Executor De Son Tort, Incompetence, and Guilt:

- (i) The Presumption of Public Record is that any matter brought before a lower Roman Cours is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter completely under private Bar Guild rules; and
- (ii) The Presumption of Public Service is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or "public officials" by making additional oaths of public office that openly and deliberately contradict their private "superior" oaths to their own Guild. Unless openly rebuked and rejected, the claim stands that these private Bar Guild members are legitimate public servants and therefore trustees under public oath; and
- (iii) The Presumption of Public Oath is that all members of the Private Bar Guild acting in the capacity of "public officials" who have sworn a solemn public oath remain bound by that oath and therefore bound to serve honestly, impartially and fairly as dictated by their oath. Unless openly challenged and demanded, the presumption stands that the Private Bar Guild members have functioned under their public oath in contradiction to their Guild oath. If challenged, such individuals must recuse themselves as having a conflict of interest and cannot possibly stand under a public oath; and
- (iv) The Presumption of Immunity is that key members of the Private Bar Guild in the capacity of "public officials" acting as judges, prosecutors and magistrates who have sworn a solemn public oath in good faith are immune from personal claims of injury and liability. Unless openly challenged and their oath demanded, the presumption stands that the members of the Private Bar Guild as public trustees acting as judges, prosecutors and magistrates are immune from any personal accountability for their actions; and
- (v) The Presumption of Summons is that by custom a summons unrebutted stands and therefore one who attends Court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and

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returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of "guilt" stands; and

(vi) The Presumption of Custody is that by custom a summons or warrant for arrest unrebuted stands and therefore one who attends Court is presumed to be a thing and therefore liable to be detained in custody by "Custodians". Custodians may only lawfully hold custody of property and "things" not flesh and blood soul possessing beings. Unless this presumption is openly challenged by rejection of summons and/or at court, the presumption stands you are a thing and property and therefore lawfully able to be kept in custody by custodians; and

(vii) The Presumption of Court of Guardians is the presumption that as you may be listed as a "resident" of a ward of a local government area and have listed on your "passport" the letter P, you are a pauper and therefore under the "Guardian" powers of the government and its agents as a "Court of Guardians". Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court);

(viii) The Presumption of Court of Trustees is that members of the Private Bar Guild presume you accept the office of trustee as a "public servant" and "government employee" just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is openly challenged to state you are merely visiting by "invitation" to clear up the matter and you are not a government employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction - simply because you "appeared"; and

(ix) The Presumption of Government acting in two roles as Executor and Beneficiary is that for the matter at hand, the Private Bar Guild appoint the judge/magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default the trustee, therefore must obey the rules of the executor (judge/magistrate); and

*- paul - david*  
*- maria - janet*

(x) The Presumption of Executor De Son Tort is the presumption that if the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a "false executor" challenging the "rightful" judge as Executor. Therefore, the judge/magistrate assumes the role of "true" executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged by not only asserting one's position as Executor as well as questioning if the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and a judge or magistrate of the private Bar guild may seek to assistance of bailiffs or sheriffs to assert their false claim; and

(xi) The Presumption of Incompetence is the presumption that you are at least ignorant of the law, therefore incompetent to present yourself and argue properly. Therefore, the judge/magistrate as executor has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to the fact that you know your position as executor and beneficiary and actively rebuke and object to any contrary presumptions, then it stands by the time of pleading that you are incompetent then the judge or magistrate can do what they need to keep you obedient; and

(xii) The Presumption of Guilt is the presumption that as it is presumed to be a private business meeting of the Bar Guild, you are guilty whether you plead "guilty", do not plead or plead "not guilty". Therefore unless you either have previously prepared an affidavit of truth and motion to dismiss with extreme prejudice onto the public record or call a demurrer, then the presumption is you are guilty and the private Bar Guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you.

**Enabling Maxims**

**Exhibit "3"**

.. " **equity** is pre-eminently a science, and like geometry, or any other science, starts with or assumes certain maxims which are supposed to embody and to express the fundamental notions of the science. Maxims then stand for the point of view from which a court will finally adjust its position to contemplate and adjudge the case.

Those affirmative principles which excite, or tend to set in

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motion, **the extraordinary powers of equity, are the enabling maxims.**

**No right without a remedy.** It is, in fact, the foundation of equity, which supposes the absence or inadequacy of legal remedy

**Equity regards substance rather than form.** This is a strong and leading maxim, pervading the entire system and of constant practical application. Equity looks through form to substance.<sup>2</sup> Equity looks to the intent rather than to the form."

**Equity regards that as done which ought to be done.**<sup>3</sup> As otherwise expressed, "equity considers that as done which was *agreed* to be done."<sup>4</sup> In either mode, this maxim is an expansion or development of the maxim just considered that "equity regards substance rather than form." ---"equity imputes an intent to fulfill an obligation. The principle is, that a person is not allowed to derive any advantage from his own wrong-doing, and that, in order to prevent this, a court of equity will treat him as having done that which he ought to have done." a fiction of law introduced for the attainment of justice, and to prevent circuitry of action, the court doing that which a court of equity would effect."

**Equity imputes an intention to fulfill an obligation** "equity looks beyond the form to the substance of things." Equity acts upon the conscience of the defendant, imposes upon him personally a personal obligation, and enforces obedience against his person by attachment for contempt. The arm of equity is made long enough to reach property and even **control legal proceedings, beyond the jurisdiction of the state.**" Courts of equity are courts of conscience, operating *in personam* and not *in rem*, and in the exercise of this personal jurisdiction compel the performance of contracts and trusts as to subjects that are not either locally, or *rationally domiciled*, within their jurisdiction.

**Exhibit "4"**

**Defense Authorization Act for Fiscal Year "2011".**

**SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CHILD CUSTODY PROTECTION.-Title **II** of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) **is amended** by adding at the end the following new section:

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**"SEC. 208. CIDLD CUSTODY PROTECTION.**

**"(a) RESTRICTION ON CHANGE OF CUSTODY.**—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

**"(b) COMPLETION OF DEPLOYMENT.**—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is re-instated....

**"(d) NO FEDERAL RIGHT OF ACTION.**—Nothing in this section shall create a Federal right of action.

**"(e) PREEMPTION.**—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard. (Emphasis added)

**Exhibit "5"**

H. R. 2647. ENR  
National Defense Authorization Act for Fiscal Year 2010  
Chtered October 29, 2009

*Military Parents Issues*

TITLE V-MILITARY PERSONNEL POLICY  
Subtitle G-Military Family Readiness Matters

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Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.

Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.

Sec. 572. Report on child custody litigation involving service members of the Armed Forces.

Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

**SEC. 570. REPORT ON INTERNATIONAL INTRAFAMILIAL ABDUCTION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**-Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of children abducted from and returned to members of the Armed Forces in international intrafamilial abductions during the years 2007 through 2009, as such number was included in the numbers and elements of the annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction with respect to such years.

(b) **ELEMENTS.**-The report shall include an assessment of the following:

(1) The current availability of, and the additional need for, assistance (including general information, psychological counseling, financial assistance, leave for travel, and legal services) provided by the military departments to left-behind members of the Armed Forces involved in international intrafamilial child abductions for the purpose of obtaining the return of their abducted children and ensuring the military readiness of such members of the Armed Forces.

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(c) REPORT.-Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment undertaken under subsection (a), including the findings and recommendations of the Secretary as a result of the assessment.

**SEC. 572. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.**

(a) REPORT REQUIRED.-Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

(b) ELEMENTS.-The report required by subsection (a) shall include the following:

- (1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result: of deployment, or the prospect of deployment, under military orders.
- (2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.
- (3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.
- (4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.
- (5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment of whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.
- (6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.
- (7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.
- (8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

H. R. 2647-126

*: maria-janet:*

*: paul-david:*

**Exhibit "6"**

**II. Public Law 110-181  
110th Congress**

National Defense Authorization Act for Fiscal Year 2008.

Jan. 28, 2008 [H.R. 4986]

**An Act**

To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY STATEMENT.**

(c) **SHORT TITLE.**—This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2008".

(d) **EXPLANATORY STATEMENT**—The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 1585 of the 110th Congress (Report 110-477) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 1585, if such bill had been enacted.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

(4) Division A—Department of Defense Authorizations.

(5) Division B—Military Construction Authorizations.

(6) Division C—Department of Energy National Security Authorizations and Other Authorizations.

**SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(c) **PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.**—Section 201(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(a)) is amended by inserting ", including any child custody proceeding," after "proceeding".

(d) **STAY OF PROCEEDINGS WHEN SERVICEMEMBER HAS NOTICE.**—Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting ", including any child custody proceeding," after "civil action or proceeding" (Emphasis added)

Sole Beneficiary, Chief of State  
Shareholder, Executor, Administrator  
Secured Party Creditor.

**Certificate of Service**

I certify that I served a copy of the 2<sup>nd</sup> Protest-Objection-[Dis]honor Notice Motion to Quash Defendant on the following people.

| Person's Name   | Method of Service   | Served at this Address                                       | Served on this Date |
|---|---|--|---------------------|
| Rob McKenna<br>(Other Party or Attorney)                                  | <input checked="" type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)            | 1125 Washington Ave<br>SE<br>Olympia, WA 98504               | 27 October<br>2011  |
| (Clerk of Court)  | <input type="checkbox"/> Mail<br><input checked="" type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Electronic File  | To the Clerk's Office<br>1717 Pacific Ave<br>Tacoma WA 98406 | 27 October<br>2011  |
| McGavick Graves<br>Cameron Fleury<br>Brian Green<br>Ryan Goodwin/Assignee | <input checked="" type="checkbox"/> Mail<br><input checked="" type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) | 1102 Broadway, Ste<br>500<br>Tacoma, WA 98406                | 27 October<br>2011  |
| Ione George, Attorney for<br>Kitsap Defendants                            | <input checked="" type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)            | 614 Division<br>Port Orchard, WA<br>98366                    | 27 October<br>2011  |

Date

27  
9/27/2011

Sign here ►

: Paul - david :

Typed or printed name

:paul-david]

: maria - janet :

: Paul - david :